

surface of the conduit as recited in claims 1-9 and that the cables are not jacketed with a sheathing as recited in claims 5, 6 and 9.

The examiner proposes to modify the electrical connector in Bayh so that it comprises the wire guard taught by Kramer in order to arrive at the present invention because Kramer allegedly teaches "that such a configuration provides protection from abrasion against the inner surfaces of the conduit and provides a simple and inexpensive construction that functions in a more efficient manner than any comparable device." Accordingly, it appears to be the examiner's position that Bayh in view of Kramer teach or suggest that the electrical connector in Bayh can be simply replaced with the wire guard taught by Kramer.

It is respectfully submitted that Bayh in view of Kramer are not combinable in the manner proposed by the examiner because there is no teaching or suggestion in these references to replace the electrical connector in Bayh with a wire guard as taught by Kramer. There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine teachings. *See In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The electrical connector 45 disclosed by Bayh provides a mechanical link between the cable anchor assembly 40 and the locking module assembly 60, and an electrical link between the power cable 30 and the electric motor 50, via conductors 88, 89, 90 and electrical penetrators 128, 129, 130 (column 6, lines 45-57). The wire guard 10 taught by Kramer is not capable of mechanically linking the cable anchor assembly and the locking module assembly or electrically linking the power cable and the electrical

motor. Hence, replacing the electrical connector of Bayh with the wire guard of Kramer would substantially change the principle operation of the Bayh system rendering it inoperable. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Claims 2-9 are patentable over Bayh in view of Kramer by virtue of their dependence from base claim 1, and because they recite other features which are clearly not taught or suggest by the Bayh in view of Kramer, as discussed in applicant's previous responses.

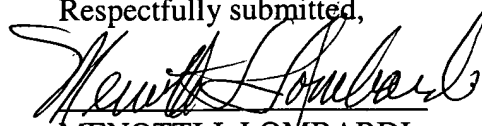
Accordingly, withdrawal of the 35 USC 103(a) rejection using Bayh in view of Kramer is respectfully urged.

The prior art references U.S. Patent 6,053,456 to Dispenza and U.S. Patent 4,786,230 to Thut, which have been made of record but not relied upon, neither teach nor suggest the claimed invention.

In view of the foregoing, reconsideration and allowance of claims 1-9 is respectfully requested. Should there be any questions or there matters whose resolution may be advanced by a telephone call, the Examiner is cordially invited to contact Applicant's undersigned attorney at his number listed below.

No fee is believe due as a result of this communication. The Commissioner is hereby authorized to charge this fee and any other fees which may be required or credit any overpayment to Deposit Account No. 09-0949.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Menotti J. Lombardi", written over a horizontal line.

MENOTTI J. LOMBARDI

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